APPEAL NO. 020595
FILED APRIL 23, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 26, 2002. He held that the respondent (claimant) sustained a compensable right carpal tunnel syndrome (CTS) injury on _____, and had disability from that injury for the period from May 31 through June 17, 2001.

The appellant (self-insured) appealed these determinations. The self-insured argues that the claimant failed to prove she used her hands repetitively to a greater degree than in employment generally. The claimant responds that the decision should be affirmed.

DECISION

We affirm the hearing officer's decision.

We would first note that the self-insured indicates in its appeal that a threshold burden of proving a repetitive trauma injury is to show greater repetition than employment generally. We do not agree. This argument is an extrapolation of the evidence needed to show compensability of an ordinary disease of life (Section 401.011(34)) that does not apply to CTS, which is not an ordinary disease of life. *See* Section 401.011(36).

Otherwise, the self-insured quarrels with the manner in which the hearing officer gave weight and credibility to the evidence. The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even if the record contains evidence that would lend itself to different conclusions. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). An appeals-level body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied); American Motorists Insurance Co. v. Volentine, 867 S.W.2d 170 (Tex. App.-Beaumont 1993, no writ). The record in this case presented conflicting evidence for the hearing officer to resolve. That resolution on the issues of injury, the scope of the injury, and disability is supported by the record. In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We therefore affirm the decision and order.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

SA
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

Susan M. Kelley
Appeals Judge

CONCUR:

Terri Kay Oliver
Appeals Judge

Robert W. Potts
Appeals Judge